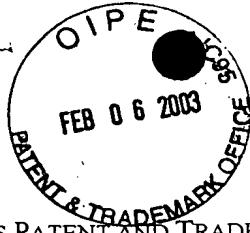




02 DEC 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Robert W. Becker
ROBERT W. BECKER & ASSOCIATES
11896 N. Highway 14, Suite B
Tijeras, New Mexico 87059

In re Application of
SPEER, Ulrich et al.
U.S. Application: 10/018,250
PCT Application No.: PCT/EP00/05439
International Filing Date: 14 June 2000
Earliest Priority Date: 16 June 1999
Attorney's Docket No.: AZ.3032
For: APPARATUS AND METHOD FOR
COATING AN OPTICALLY
READABLE DATE CENTER

DECISION ON
REQUEST
UNDER 37 CFR 1.497(d)

This is in response to applicants' "Letter" filed with the United States Patent and Trademark Office on 05 August 2002. It has been treated as a Request under 37 CFR 1.497(d).

BACKGROUND

On 14 June 2000, applicants filed International Application PCT/EP00/05439. A copy of the application was transmitted to USPTO by the International Bureau on 21 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 December 2000, prior to the expiration of nineteen months from the earliest priority date. Accordingly, the thirty month period for entry into the national stage in the United States expired on 17 December 2001 (16 December 2001 was a Sunday).

On 14 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 07 February 2002, the Office mailed Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 03 April 2002, applicants filed a declaration signed by inventor Ulrich Speer, the only listed inventor in the international application, as well as additional inventors Bjorn Lledtke, Joachim Gordt, James Wise, and Hans-Gerd Esser which were not listed in the international application. Applicants provide no statement as to the reason for the addition of inventors. Applicants also filed an assignment on 03 April 2002.

On 17 May 2002, the Office mailed Notification of a Defective Response indicating that the declaration did not comply with 37 CFR 1.497.

On 08 July 2002, applicants submitted "Response to Notice of Defective Response," accompanied by statements from three of the added inventors and the consent of the assignee.

On 31 July 2002, the Office mailed Notification of Defective Response indicating that applicants had not satisfied 37 CFR 1.497.

On 05 August 2002, applicants submitted the instant Letter, accompanied by a statement from the fourth added inventor.

DISCUSSION

The inventor in the international application is Ulrich Speer.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been met. (1) Applicants provided statements from Björn Lledtke, Joachim Gordt, James Wise and Hans-Gerd Esser indicating they were inventors of the above mentioned invention and that the omission of their names. (2) The processing fee set forth in §1.17(i) has been paid.

Item (3) has not been met. Under 37 CFR 3.73, the assignee must establish ownership. The assignee must either submit documentary evidence of the chain of title or provide a statement specifying where the documentary evidence of the chain of title from the original owner to the assignee may be located in the assignment records of the Office.

CONCLUSION

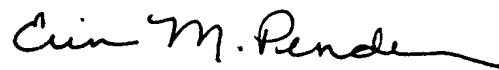
For the above reasons, applicants' petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)".

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

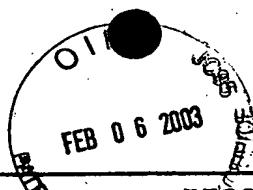


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U.S. Patent and Trademark Office**

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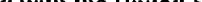
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

Mail documents to be recorded with required cover sheet information to:

**Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231**

"Express Mail" Mailing Label Number EV 029912193 US
Date of Entry 11/11/02

Date of Deposit April 3, 2002
I hereby certify that this paper or fee is due

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. 

Evelyn L. Stump
Evelyn L. Stump, Secretary

Attorney Docket
AZ.3032

ASSIGNMENT

Samstag, 26.2. D-75239 Cisingen

WHEREAS I, Ulrich Speer, Haubackerweg 3, D-71144 Steinembromm, Germany / Björn Liedtke, Nockherstrasse 56, D-81541 München, Germany / Joachim Gordt, Im Ziegelfeld 27, D-75447 Sternenfels, Germany / James Wise, Flat 12 A, Thai Wah Bldg. 262 Lockhart Rd., Wan Chai, Hong Kong SAR / and Hans-Gerd Esser, Max-von-Laue-Strasse 2, D-75015 Bretten, Germany, have invented an improvement in:

APPARATUS AND METHOD FOR COATING AN OPTICALLY READABLE
DATA CENTER

for which an application for Letters Patent of the United States

[] is being made herewith.

[x] was filed on 12/14/01 under Serial No. 10/018,250

AND WHEREAS STEAG HamaTech AG, Ferdinand-von-Steinbeis-Ring 10, D-75447 Sternenfels, Germany, is desirous of acquiring an interest in the same;

Now, therefore, in consideration of the foregoing and for other good and valuable consideration, the receipt of which is hereby acknowledged, Ulrich Speer, Björn Liedtke, Joachim Gordt, James Wise, and Hans-Gerd Esser, hereby assign to the said STEAG HamaTech AG, its assigns and legal representatives, all the right, title and interest in and to said invention for the United States and its territories, and in and to said Letters Patent, continuations, divisions, reissues and extensions thereof in the United States, and hereby request that said Letters Patent issue accordingly. For said considerations, we Ulrich Speer, Björn Liedtke, Joachim Gordt, James Wise, and Hans-Gerd Esser, agree to execute all papers that may be necessary to file applications in the United States for said invention and to assign the same to said STEAG HamaTech AG, or any assignee acquiring title to said invention and to execute any other papers that may be in connection with filing said applications and securing patents thereon.

In Testimony whereof, this assignment is being executed this 8th day of January 2002x 2002.

Ulrich Speer

Björn Liedtke

Attorney Docket No.
AZ.3032

Joachim Gordt
Joachim Gordt

Hans-Gerd Esser
Hans-Gerd Esser

James S. Wise
James Wise